

**15A NCAC 02D .0959 PETITION FOR SUPERIOR ALTERNATIVE CONTROLS**

(a) This Rule applies to all sources regulated by this Section.

(b) If the owner or operator of any source of volatile organic compounds subject to the requirements of this Section can demonstrate that an alternative operational or equipment control is superior to the required control, he or she may petition the Director to allow the use of alternative operational or equipment controls for the reduction of volatile organic compound emissions.

(c) The petition shall include:

- (1) the name and address of the company and the name and telephone number of the petitioner;
- (2) a description of all operations conducted at the location to which the petition applies and the purpose that the volatile organic compound emitting equipment serves within the operations;
- (3) reference to the specific operational and equipment controls under the rules of this Section for which alternative operational or equipment controls are proposed;
- (4) a description of the proposed alternative operational or equipment controls, the magnitude of volatile organic compound emission reduction that will be achieved, and the quantity and composition of volatile organic compounds that will be emitted if the alternative operational or equipment controls are instituted; and
- (5) certification that emissions of all other air contaminants from the subject source are in compliance with all applicable local, State, and federal laws and regulations.

The petition may include a copy of the permit application.

(d) The Director shall approve a petition for alternative control if:

- (1) the petition is submitted in accordance with Paragraph (c) of this Rule;
- (2) the Director determines that the proposed alternative operational or equipment control is superior to the required controls;
- (3) all other air contaminant emissions from the facility are in compliance with, or under a schedule for compliance as expeditiously as practicable with, all applicable local, State, and federal regulations; and
- (4) the petition contains a schedule for achieving and maintaining reduction of volatile organic compound emissions to the maximum extent feasible and as expeditiously as practicable.

(e) When controls different from those specified in the appropriate emission standards in this Section are approved by the Director, the permit shall contain a condition stating such controls.

*History Note:* Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5);  
Eff. April 1, 2003;  
Readopted Eff. November 1, 2020.